

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

SULLIVAN TOWNSHIP, MOULTRIE COUNTY,
ILLINOIS

Petitioner,

v.

UNION PACIFIC RAILROAD COMPANY
AND THE STATE OF ILLINOIS,
DEPARTMENT OF TRANSPORTATION

Respondent.

RECEIVED
MAY 20 2003

Illinois Commerce Commission
RAIL SAFETY SECTION

TD 3-0048

Petition seeking an order from the Illinois
Commerce Commission authorizing permanent
closure and removal of the T.R. 104 grade crossing
(DOT # 167270M) and authorizing the signalization
and improvement of the T.R. 117A grade crossing
(DOT # 167269T) located in Sullivan Township,
Moultrie County, Illinois on the trackage of Union
Pacific Railway Company, together with construction
of a connecting road, and allocating a portion of the
cost to the Grade Crossing Protection Fund.

PETITION

Now comes the petitioner, Sullivan Township, Moultrie County, Illinois and for
its Petition to the Illinois Commerce Commission states as follows:

1. Union Pacific is a corporation authorized to transact business in the State of Illinois and operates a common carrier service by railroad in interstate and intrastate commerce with certain trackage and other facilities located throughout the State of Illinois, including Sullivan Township, Moultrie County, Illinois.
2. T.R. 104 and T.R. 117A are roadways located within the geographic boundaries of the Township and is under the jurisdiction of the Township.
3. Union Pacific operates certain railroad trackage extending generally northeast to southwest direction through Sullivan Township, Moultrie County, Illinois.
4. T.R. 104 (DOT #167270M) and T.R. 117A (DOT #167269T) traverse the trackage of Union Pacific by virtue of at grade crossings. Said crossings are located near the Northeast corner of Section 10, Township 13 North, Range 5 East of the Third Principal Meridian.

DOCKETED

5. Each of the two grade crossings defined above, (hereinafter referred to as the "subject crossings") is currently marked as follows:

T.R. 104-Crossbucks

T.R. 117A –Has lights but no gates

6. An average of twenty-four (24) freight trains per day travel across the subject crossings at an average speed of 60 mph.
7. The average daily vehicular traffic count for the grade crossing at Township Road 104 is believed to be 150 cars per day and the average daily vehicular traffic count for the grade crossing at Township Road 117A is approximately 450 cars per day.
8. Petitioner believed the public safety would benefit from the following activities:
 - A. Closing the grade crossing at Township Road 104.
 - B. Improving the grade crossing at Township Road 117A by installing automatic flashing light signals and gates with constant warning time circuitry, and improving the roadway approaches to conform to State specifications; and
 - C. Building a new road on the east side of the tracks between the Township Road 104 grade crossing and the Township Road 117A grade crossing, connecting those two roads, as shown in Exhibit 1.
9. The changes specified in Paragraph 8 above, would not create a significant adverse impact on the traveling public and would improve safety and convenience by eliminating an unnecessary crossing and providing an alternative route for the local residents and emergency services. Petitioner believes that a majority of the residents of the county favor the proposed changes as a benefit to their safety and convenience.
10. Petitioner proposes that funding of the above project be as follows:
 - A. Moultrie County will perform all of the work required to improve the T.R. 117A grade crossing and to construct the new connecting road, including engineering, land acquisition, construction and construction engineering. This cost of this work, estimated to be \$426,240 as shown in Exhibit 2 should be allocated 100% (not to exceed \$426,240) to the Grade Crossing Protection Fund.
 - B. The Petitioner will be responsible for all future maintenance of the new connecting road.

- C. Union Pacific Railroad Company will install automatic flashing light signals and gates (with a bell), controlled by constant warning time circuitry at the T.R. 117A grade crossing. The cost of this work, estimated to be \$235,000 by the ICC Staff, should be allocated 95% of the actual cost (not to exceed \$223,250) to the Grade Crossing Protection Fund, with any remaining warning device installation cost, as well as all cost of future maintenance and operation of the warning devices, being borne by Union Pacific Railroad Company.
- D. Union Pacific Railroad Company will close and completely remove the grade crossing at Township Road 104 re-establishing the drainage ditches running parallel to the railroad tracks, at its own expense, once the new connector road is complete.
- E. Union Pacific Railroad will remove and replace the existing timber crossing surface with new timber crossing ties at the T.R. 117A grade crossing. This work will be allocated 100% to the Union Pacific Railroad Company.
- F. Under a separate agreement the Petitioner and Union Pacific Railroad Company have agreed that the Union Pacific Railroad Company will pay Sullivan Township \$17,500 to vacate the T.R. 104 grade crossing. The Petitioner will vacate this crossing at its own expense once the connector road is complete and will use the funds from the railroad for future maintenance of the connector road.

WHEREFORE, Petitioner prays that the Commission hold such hearings as it deems necessary and enter an Order authorizing the closure of the grade crossings at Township Road 104 and the improvements at the Township Road 117A grade crossing together with the new road to be constructed, all as set out above, and dividing the costs between the Petitioner, the Grade Crossing Protection Fund, the County and the Union Pacific Railroad Company as set out above.

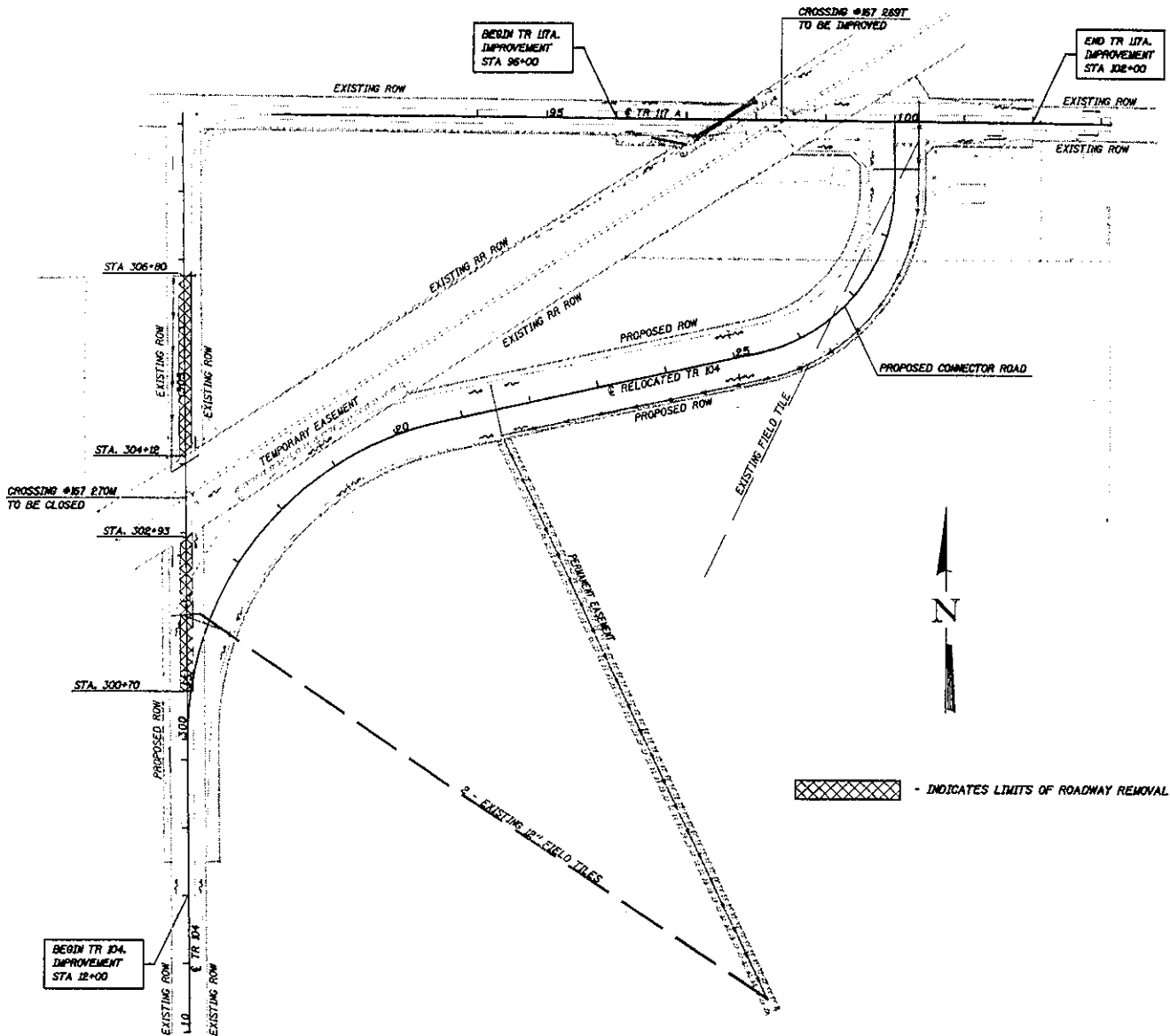
SULLIVAN TOWNSHIP, MOULTRIE
COUNTY, ILLINOIS

By: Edna H. Williams

Title: Highway Commissioner

| ROUTE NO. | SECTION | COUNTY |
|------------------------|----------------|----------|
| T.R. 104 | 02-07004-00-FP | MOULTRIE |
| SULLIVAN ROAD DISTRICT | | |

SE 1/4 SE 1/4 SEC 3 T 13N R 5E 3RD PM



NE 1/4 NE 1/4 SEC 10 T 13N R 5E 3RD PM

| | |
|---|--|
| EXHIBIT 1 | |
| T.R. 104 SECTION 02-07004-00-FP SULLIVAN ROAD DISTRICT MOULTRIE COUNTY | |
| CUMMINS ENGINEERING CORPORATION | JOB # 3927 FILE 99270104-00-FP DATE: 4/17/03 |

**Moultrie County
T.R. 104 & T.R. 117A
Eden's Street
Closure of RR Crossing #DOT 167270M
Improvement of RR Crossing #DOT 167269T
Construction of New Connector Road
Near Sullivan, Illinois**

Breakdown of Estimated Costs

| <u>Item</u> | <u>Description</u> | <u>Cost</u> |
|---------------------------------------|---|------------------|
| 1. | Right-of-Way Research, Survey, and Plats | \$ 7,500 |
| 2. | Right-of-Way and Easement Acquisition | \$ 40,000 |
| 3. | Route Surveying | \$ 5,000 |
| 4. | Design Engineering | \$ 35,000 |
| 5. | Construction (Includes 5% Contingency) See Attached Estimate of Cost | \$318,740 |
| 6. | Utility Relocation | \$ 5,000 |
| 7. | Construction Engineering | \$ 15,000 |
| TOTAL ESTIMATED PROJECT COST = | | \$426,240 |

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| <u>Item</u> | <u>Description</u> | <u>Cost(\$)</u> |
|-------------|---|-----------------|
| 1. | Tree Removal (6 To 15 Units Diameter) | \$180 |
| 2. | Tree Removal (Over 15 Units Diameter) | \$1,440 |
| 3. | Earth Excavation | \$14,680 |
| 4. | Furnished Excavation | \$112,880 |
| 5. | Seeding, Class 2 (Special) | \$10,200 |
| 6. | Temporary Ditch Checks | \$1,300 |
| 7. | Inlet And Pipe Protection | \$1,270 |
| 8. | Perimeter Erosion Barrier | \$600 |
| 9. | Temporary Erosion Control Seedings | \$1,020 |
| 10. | Aggregate Base Course, Type B | \$42,600 |
| 11. | Aggregate Surface Course, Type B | \$660 |
| 12. | Bituminous Materials (Prime Coat) | \$8,760 |
| 13. | Bituminous Materials (Cover And Seal Coats) | \$8,720 |
| 14. | Cover Coat Aggregate | \$2,340 |
| 15. | Seal Coat Aggregate | \$2,340 |
| 16. | Incidental Bituminous Surfacing | \$800 |
| 17. | Pipe Culvert Removal | \$1,690 |
| 18. | Pipe Culverts, Class A, Type 1, 24" | \$6,400 |
| 19. | Pipe Culverts, Class A, Type 1, 48" | \$9,900 |
| 20. | Pipe Culverts, Class D, Type 1, 15" | \$1,470 |
| 21. | Pipe Culverts, Class D, Type 1, 18" | \$1,000 |
| 22. | Precast Reinforced Concrete Flared End Sections 24" | \$2,880 |
| 23. | Precast Reinforced Concrete Flared End Sections 48" | \$2,000 |
| 24. | Storm Sewers, Class A, Type 1 12" | \$580 |
| 25. | Pipe Drains 8" (Special) | \$7,070 |
| 26. | Pipe Drains 12" (Special) | \$2,860 |
| 27. | Restricted Depth Manholes, Type A, 4' Diameter, With Type 8 Grate | \$1,200 |
| 28. | Inlets, Type A, Type 8 Grate | \$2,700 |
| 29. | Inlets, Type B, Type 8 Grate | \$700 |
| 30. | Removing Inlets | \$200 |
| 31. | Traffic Control And Protection | \$5,000 |
| 32. | Bituminous Aggregate Mixture (B.A.M.) (Special) | \$44,400 |
| 33. | Junction Box Special 48" | \$300 |
| 34. | Railroad Protective Liability Insurance | \$3,000 |
| 35. | Sone Riprap Special | \$420 |
| | TOTAL | \$303,560 |
| | Contingency (5%) | \$15,180 |
| | ROADWAY GRAND TOTAL | \$318,740 |

PROOF OF SERVICE

I, Michael D. Cummins, P.E., designated agent for the Township of Sullivan, Moultrie County, do hereby certify that on May 19, 2003 I served the forgoing document upon the following parties of interest by mailing by first class United States mail at Springfield, Illinois at 5:00 PM in an envelope with postage fully prepaid to and in the following manner addressed:

Mr. Victor A. Modeer, Jr.
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Illinois Department of Transportation
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Mr. Darrell W. Lewis, P.E.
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Michael D. Cummins
Cummins Engineering Corporation